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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,114	02/20/2004	Masahiko Yamamoto	1217-040374	7704

7590 10/05/2006

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EXAMINER

KOCH, GEORGE R

ART UNIT PAPER NUMBER

1734

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,114

Applicant(s)

YAMAMOTO ET AL.

Examiner

George R. Koch III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-46 is/are pending in the application.
- 4a) Of the above claim(s) 20-39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-8, 10-12, 14, 15 and 17-19 is/are allowed.
- 6) ☒ Claim(s) 9, 13, 16, 40-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/27/2006 has been entered.

Claim Objections

2. Claims 9, 40-42 and 45-46 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

a. Claim 9 appears to replace limitations in parent claim 4. Parent claim 4 recites that the plurality of take-up reels are attached to an *identical* take-up shaft in parallel. Claim 9 recites that the take-up reels are attached to the *separate* take-up shafts. Therefore, this limitation in claim 9 appears to replace a limitation claim 4, and appears to fall squarely in the example the third paragraph of MPEP 608.01(n) III, recited in the footnote.¹

¹ Third paragraph of MPEP 608.01(n) III: "Thus, for example, if claim 1 recites the combination of elements A, B, C, and D, a claim reciting the structure of claim 1 in which D was omitted or replaced by E would not be a proper dependent claim, even though it placed further limitations on the remaining elements or added still other elements."

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- b. All the limitations of claim 40 appear to be recited in different form in parent claim 2, which recite side guide portions and adjacent part guide portions.
- c. All the limitations of claim 41 appear to be recited in different form in parent claim 3, which recite side guide portions and adjacent part guide portions.
- d. All the limitations of claim 42 appears to be recited in different form in parent claim 4, which recite side guide portions and adjacent part guide portions.
- e. All the limitations of claim 45 appears to be recited in different form in dependent claim 6.
- f. Claim 46 appears to be dependent on a cancelled claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9, 13, 16, and 40-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 9 appears to negate the previous limitations.

In this case, "D" would be "the plurality of take-up reels are attached to an identical take-up shaft in parallel", and "E" would be "the take-up reels are attached to the separate take-up shafts". Since it appears that the take-up reels can be either attached to an identical take-up shaft, or to separate take-up shafts, but not both, claim 9 is a claim that replaces a limitation in a parent claim and therefore is an improper dependent claim.

6. Claim 13 recites the limitation "the magnifying lens device". There is improper antecedent basis for this limitation in the claim. It appears applicant intended to make claim 13 dependent on claim 12, which does recite a magnifying lens device. However, claim 13 is dependent from claim 2.

7. Claim 16 uses the language "according to claim 1 claim 4". It is unclear whether applicant is referring to claim 1, claim 4, claim 1 or claim 4, or claim 1 and claim 4.

8. Claim 40 recites the limitation "a guide member", "a side guide portion" and "an adjacent part guide portion". There is improper antecedent basis for this limitation in the claim. Parent claim 2 also recites "a guide member", "a side guide portion" and "an adjacent part guide portion", and it is unclear whether the elements in claim 40 are new or different elements.

9. Claim 41 recites the limitation "a guide member", "a side guide portion" and "an adjacent part guide portion". There is improper antecedent basis for this limitation in the claim. Parent claim 3 also recites "a guide member", "a side guide portion" and "an adjacent part guide portion", and it is unclear whether the elements in claim 41 are new or different elements.

10. Claim 42 recites the limitation "a guide member", "a side guide portion" and "an adjacent part guide portion". There is improper antecedent basis for this limitation in the claim. Parent claim 4 also recites "a guide member", "a side guide portion" and "an adjacent part guide portion", and it is unclear whether the elements in claim 42 are new or different elements.

11. Claim 43 recites the limitation "a drive gear". There is improper antecedent basis for this limitation in the claim. Parent claim 2 also recites "a drive gear", "a side guide portion" and "an adjacent part guide portion", and it is unclear whether the elements in claim 43 are new or different elements.

12. Claim 44 recites the limitation "a drive gear". There is improper antecedent basis for this limitation in the claim. Parent claim 3 also recites "a drive gear", "a side guide portion" and "an adjacent part guide portion", and it is unclear whether the elements in claim 44 are new or different elements.

13. Claim 45 recites the limitation "a drive gear". There is improper antecedent basis for this limitation in the claim. Parent claim 4 also recites "a drive gear", "a side guide portion" and "an adjacent part guide portion", and it is unclear whether the elements in claim 45 are new or different elements.

14. Claim 46 is dependent on canceled claim 5. It is unclear what applicant intends with this language.

Allowable Subject Matter

15. Claims 1-4, 6-8, 10-12, 14-15, and 17-19 are allowed.

16. The following is an examiner's statement of reasons for allowance:

With respect to all of the claims, the prior art of record does not disclose the claimed guide member, which includes the claimed side guide portion, adjacent part guide portion and undercut portions.

The closest prior art, Hasegawa, merely has alignment pins, and there is no motivation to modify Hasegawa as claimed.

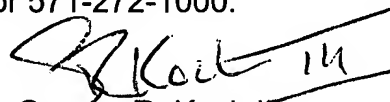
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



George R. Koch III
Primary Examiner
Art Unit 1734

GRK
9/27/06